



ORDINANCE NUMBER 2765

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW AN INDOOR COMMERCIAL AMUSEMENT FACILITY ON AN APPROXIMATE 12.15-ACRE TRACT LOCATED AT 12700 STEMMONS FREEWAY AND WITHIN THE PLANNED DEVELOPMENT NUMBER 70 OLD FARMERS BRANCH FREEWAY SUBDISTRICT (PD-70 OFB-FW)) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow an indoor commercial amusement facility on an approximate 12.15-acre tract located at 12700 Stemmons Freeway within Planned Development No. 70 Old Farmers Branch Freeway Subdistrict (PD-70 OFB-FW) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 70 Old Farmers Branch Freeway Subdistrict (PD-70 OFB-FW) zoning district and in accordance with the approved site plan attached as Exhibit "C."

SECTION 4. That the Property was granted the following special exceptions in accordance with Exhibit "C," by the Planning and Zoning Commission on March 22, 2004:

1. Allow a 10-ft. front yard setback from Denton Drive instead of the required 15-ft. front yard setback.
2. Allow the sanitation container within the front half of the site measured from Stemmons Freeway frontage road instead of within the rear half of the site.
3. Allow for sidewalk construction deferral along Farmers Branch Lane and along portions of Carrick Street and Denton Drive.
4. Allow a portion of the roof mounted equipment to be visible instead of being completely screened from view of all adjacent thoroughfares, streets, street rights-of-way and single family zoning districts.

5. Allow no wheel stops adjacent to landscape planting areas.
6. Allow the following special exceptions pertaining to landscaping:
 - a. Allow required trees to be placed outside of the required planting area instead of within the required planting area.
 - b. Allow required trees to be less than 3 feet, instead of 3 feet or greater, from street pavement and sidewalks.
 - c. Allow fewer required street trees along each street.
 - d. Allow alternate methods of irrigation within the 45-ft. wide electrical transmission easement, if necessary, instead of an automatic irrigation system.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

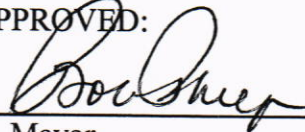
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

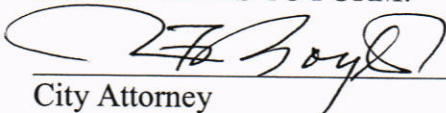
DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 5 day of April, 2004.

APPROVED:



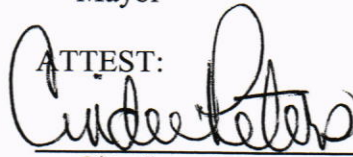
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

Exhibit "A" – Legal Description

Property Description – 12.150 Acres

Being a 12.150-acre tract of land in the Thomas Keenan Survey, Abstract No. 733, City of Farmers Branch, Dallas County, Texas. Said 12.150 acre tract consists of all or portions of the following tracts of land owned by the City of Farmers Branch:

- (1) All of a 6.257 acre tract being all of Lot 1, Block 1, Word of Faith World Outreach Center Addition, an addition to the City of Farmers Branch as shown on the plat recorded in Volume 83195, Page 4452, Plat Records, Dallas County, Texas and also described in a deed to the City of Farmers Branch and recorded in Volume 99088, Page 4559, Deed Records, Dallas County, Texas.
- (2) Portion of the right of way dedication shown on the plat of Word of Faith Outreach Center Addition and recorded in Volume 78175, Page 825, said plat records.
- (3) All of the 0.043 of an acre tract described in a deed to the City of Farmers Branch and recorded in Volume 76076, Page 2436, said deed records.
- (4) All of the 4.963 acre tract described in a deed to the City of Farmers Branch and recorded in Volume 99088, Page 4567, said deed records.
- (5) A portion of the 0.434 of an acre tract described in a deed to the City of Farmers Branch and recorded in Volume 72234, Page 1705, said deed records.

Said 12.150 acre tract is more particularly described as follows:

Beginning at a 5/8" iron with cap set at the northwest corner of said Lot 1 and being at the intersection of the southerly line of Carrick Street and the easterly line of Interstate Highway I-35E (Stemmons Freeway);

Thence N 89 degrees 46 minutes 05 seconds E with the northerly line of said Lot 1 and the southerly line of Carrick Street, 284.39 feet to a 5/8" iron with cap set at the beginning of a curve to the left;

Thence 46.52 feet with the arc of said curve to the left, the northerly line of said Lot 1 and the southerly line of Carrick Street to a 5/8" iron with cap set. Said curve to the left has a radius of 179.35 feet, a central angle of 14 degrees 51 minutes 41 seconds, and a long chord which bears N 82 degrees 20 minutes 12 seconds E, 46.39 feet;

Thence N 74 degrees 54 minutes 20 seconds E with the northerly line of said Lot 1 and the southerly line of Carrick Street, 230.00 feet to a 5/8" iron with cap set at the northeast corner of said Lot 1 and in the westerly line of Rossford Street/Old Denton Road;

Thence with the westerly line of Rossford Street/Old Denton Road the following calls:

S 15 degrees 05 minutes 40 seconds E, 355.90 feet to a 5/8" iron with cap set at the beginning of a curve to the left;

386.74 feet with the arc of said curve to the left to a 5/8" iron with cap set. Said curve to the left has a radius of 602.96 feet, a central angle of 36 degrees 44 minutes 57 seconds and a long chord which bears S 33 degrees 28 minutes 08 seconds E, 380.14 feet;

S 41 degrees 41 minutes 21 seconds E, 54.56 feet to a 1/2" iron found at the beginning of a curve to the right;

116.80 feet with the arc of said curve to the right to a 1/2" iron found. Said curve to the right has a radius of 542.96 feet, a central angle of 12 degrees 19 minutes 31 seconds and a long chord which bears S 32 degrees 38 minutes 26 seconds E, 116.57 feet;

S 14 degrees 10 minutes 52 seconds E, 369.48 feet to a 1/2" iron found at the beginning of a curve to the right at the southeast corner of said 4.963 acre tract and in the northerly line of Farmers Branch Lane;

Exhibit "A" – Legal Description (continued)

Thence 102.11 feet with the arc of said curve to the right and the northerly line of Farmers Branch Lane to a ½" iron found. Said curve to the right has a radius of 410.74 feet, a central angle of 14 degrees 14 minutes 37 seconds and a long chord which bears S 84 degrees 11 minutes 24 seconds W, 101.85 feet;

Thence N 88 degrees 41 minutes 18 seconds W with the northerly line of Farmers Branch Lane, 338.37 feet to a ½" iron found at the southwest corner of said 4.963 acre tract and being in the easterly line of Interstate Highway I-35E;

Thence with the easterly line of Interstate Highway I-35E the following calls:

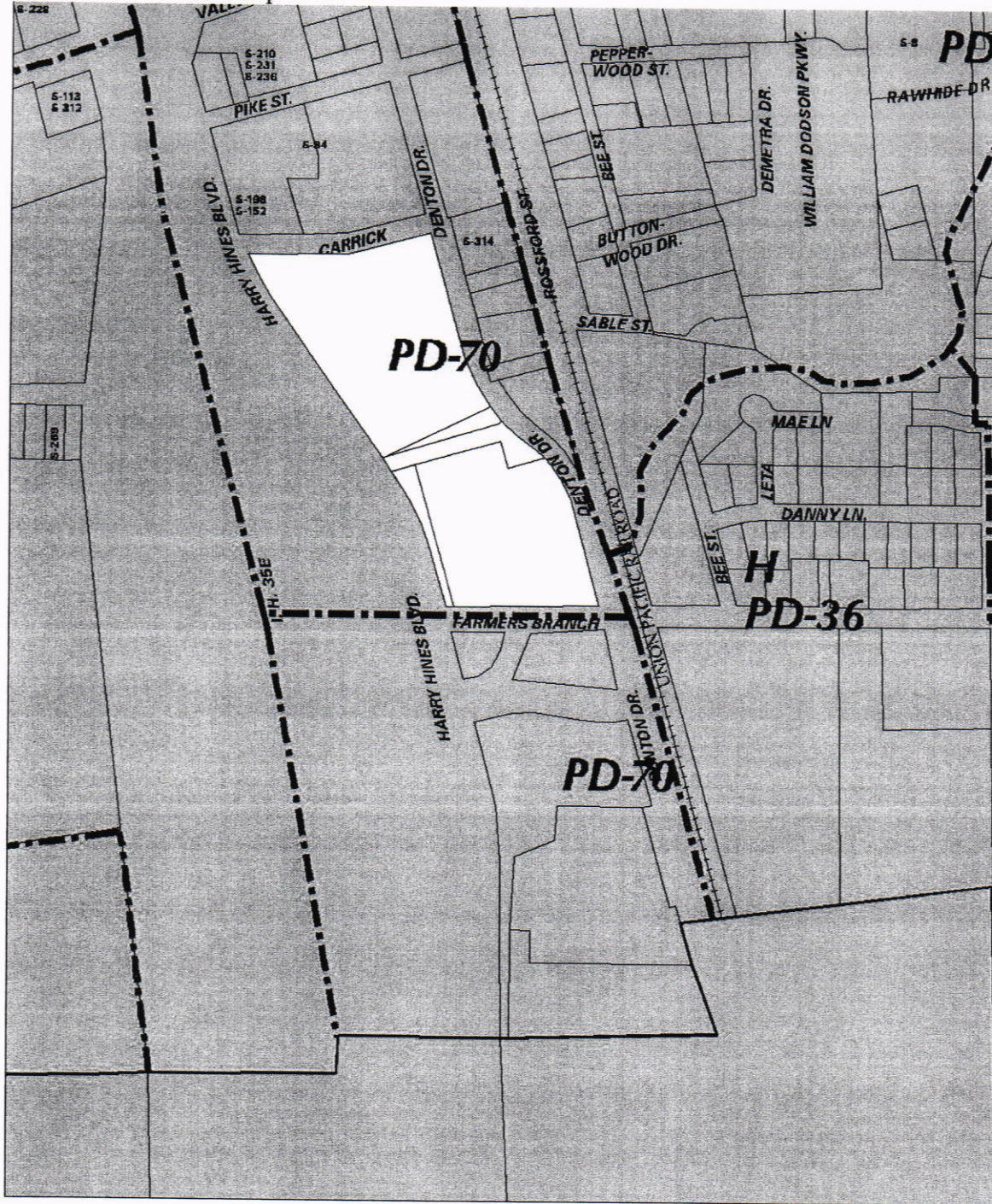
N 16 degrees 36 minutes 02 seconds W, 230.32 feet to a ½" iron found at the beginning of a curve to the left;

226.81 feet with the arc of said curve to the left to a ½" iron found. Said curve has a radius of 971.93 feet, a central angle of 13 degrees 22 minutes 14 seconds and a long chord which bears N 27 degrees 11 minutes 46 seconds W, 226.30 feet;

N 33 degrees 59 minutes 07 seconds W, 638.65 feet to a concrete monument found at the beginning of a curve to the right;

162.19 feet with the arc of said curve to the right to the point of beginning and containing 12.150 acres. Said curve to the right has a radius of 937.93 feet, a central angle of 9 degrees 54 minutes 28 seconds and a long chord which bears N 29 degrees 01 minutes 53 seconds W, 161.99 feet.

Exhibit "B" – Locator Map



CONSTRUCTION DRAWINGS FOR THE CITY OF FARMERS BRANCH

Dr. Pepper

STARCENTER

Home of Rising Stars!

**FARMERS
BRANCH**

MAR 17 2004

GOVERNING AGENCIES:

<p>PLANNING</p> <p>CITY OF FARMERS BRANCH COMMUNITY SERVICES DEPARTMENT FARMERS BRANCH, TEXAS 75381 OFFICE: (972) 919-3338</p>	<p>ENGINEERING</p> <p>CITY OF FARMERS BRANCH 11300 WILLIAM OGDON PARKWAY FARMERS BRANCH, TEXAS 75381 CONTACT: JERRY HANSEN, JR., P.E. OFFICE: (972) 919-3338</p>
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ARCHITECT

DR. PEPPER STARCENTER
12700 N. STAMMER, FARMERS BRANCH, TX
CONTACT: DR. PEPPER STARCENTER

ENGINEER

ADAM CONSULTING ENGINEERS, INC.
500 NORTH CHINA, SUITE 500 • DALLAS, TEXAS 75202
PHONE: (972) 329-8882 • FAX: (972) 329-7871

INDEX OF SHEETS

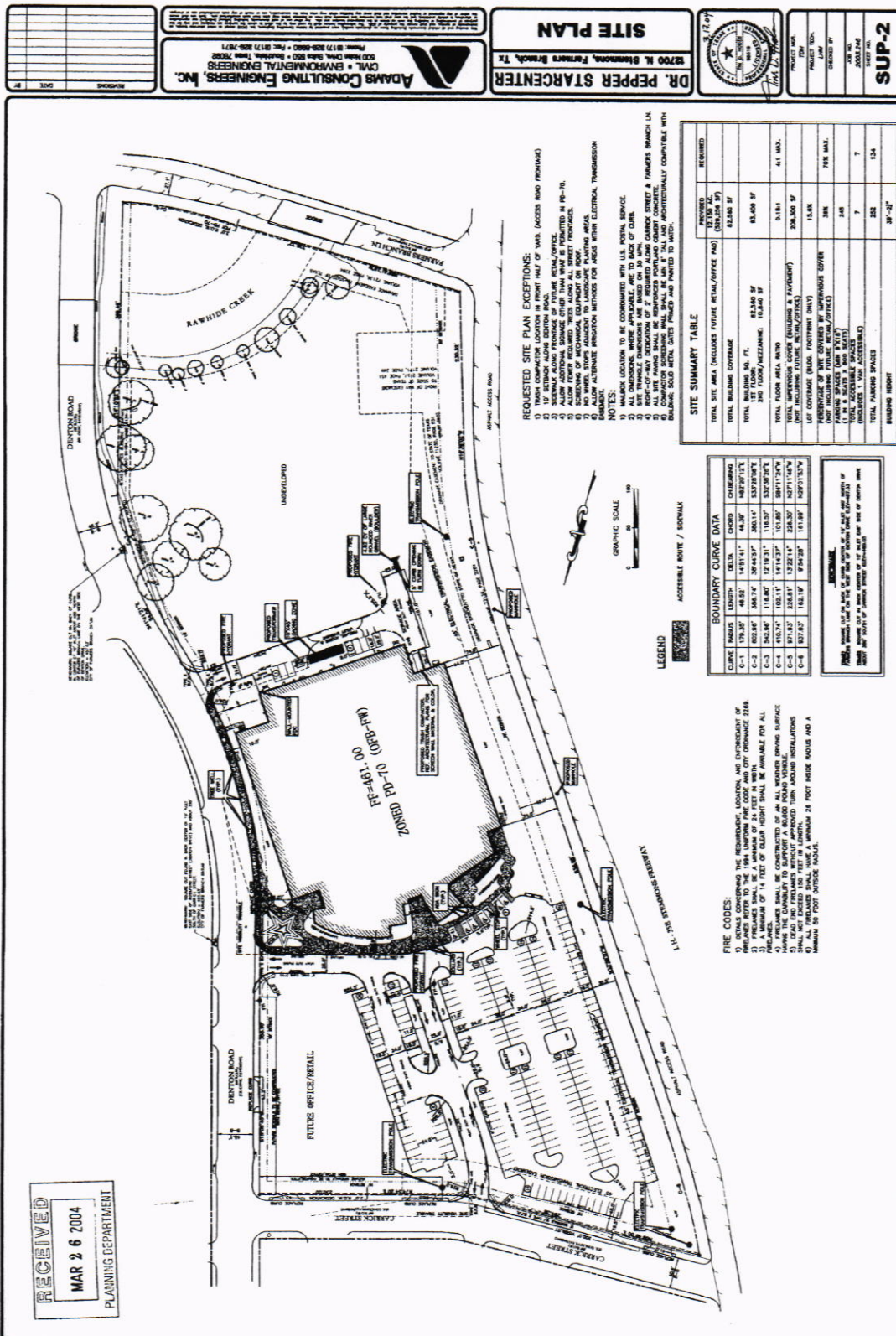
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SUP-1	COVER SHEET
SUP-2	GENERAL LAYOUT PLAN
SUP-3	GENERAL LAYOUT PLAN
SUP-4	GENERAL LAYOUT PLAN
SUP-5	GENERAL LAYOUT PLAN
SUP-6	GENERAL LAYOUT PLAN
SUP-7	GENERAL LAYOUT PLAN

COVER SHEET

DR. PEPPER STARCENTER
12700 N. STAMMER, FARMERS BRANCH, TX

NOTICE TO CONTRACTORS REGARDING THE SURVEY

THE SURVEY WAS CONDUCTED BY THE CITY OF FARMERS BRANCH, TEXAS, AND THE CITY ENGINEER HAS REVIEWED THE SURVEY AND HAS DETERMINED THAT THE SURVEY IS ACCURATE AND RELIABLE. THE CITY ENGINEER HAS REVIEWED THE SURVEY AND HAS DETERMINED THAT THE SURVEY IS ACCURATE AND RELIABLE. THE CITY ENGINEER HAS REVIEWED THE SURVEY AND HAS DETERMINED THAT THE SURVEY IS ACCURATE AND RELIABLE.



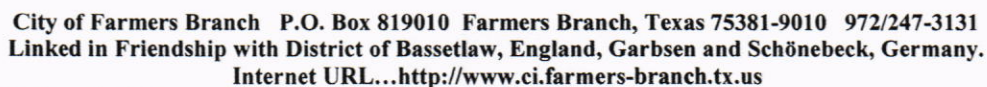
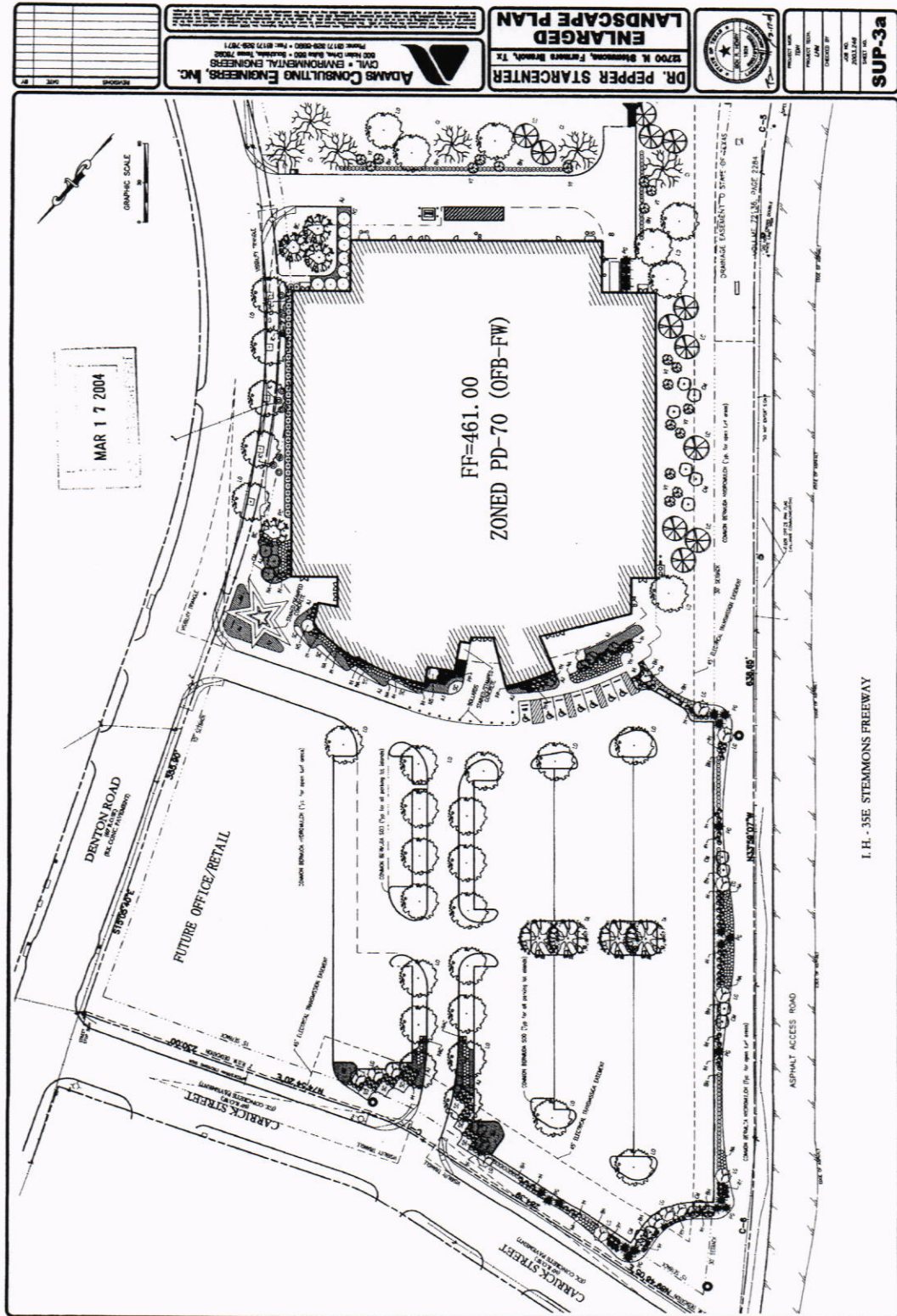


Exhibit "C" (continued)



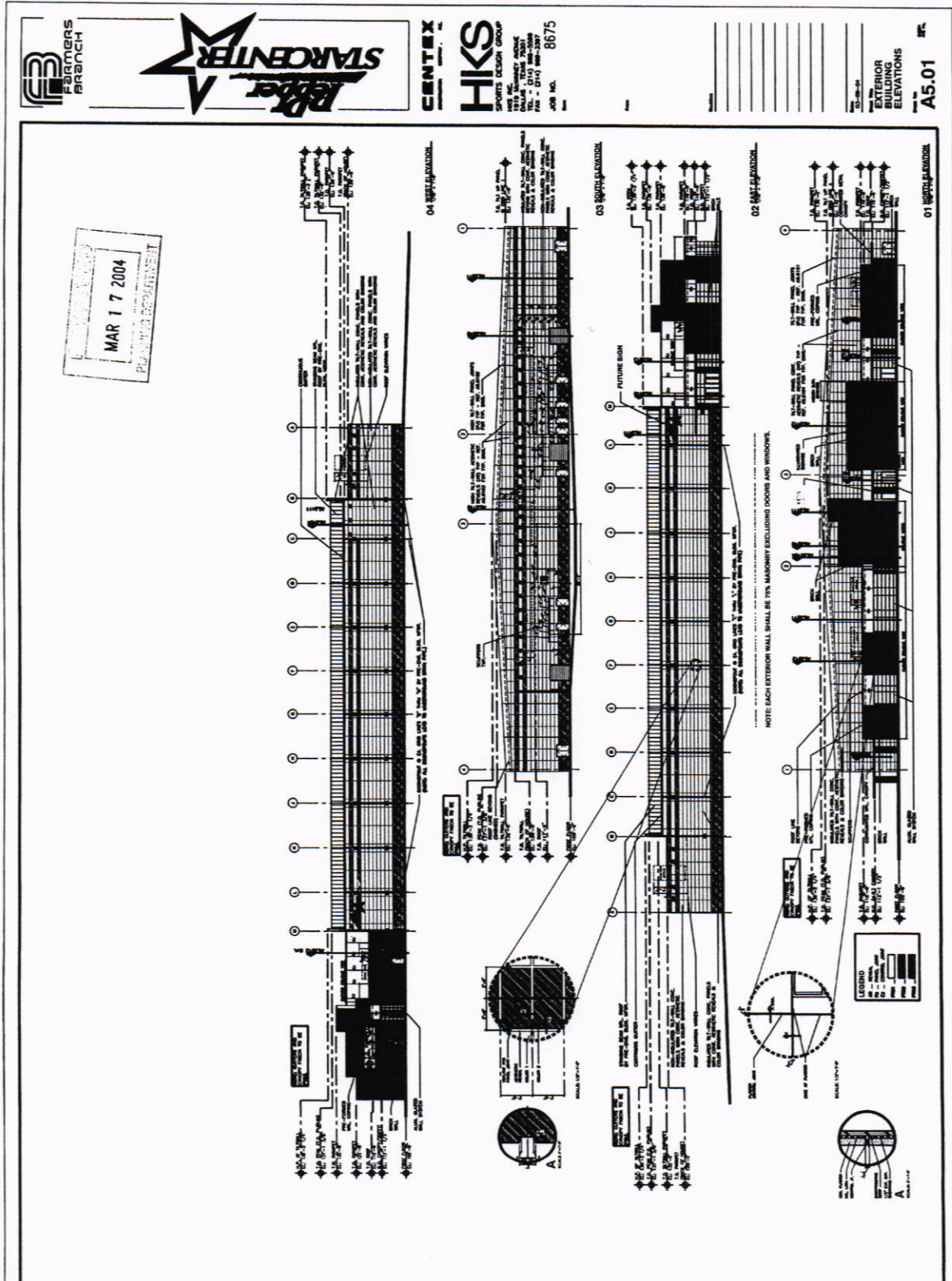
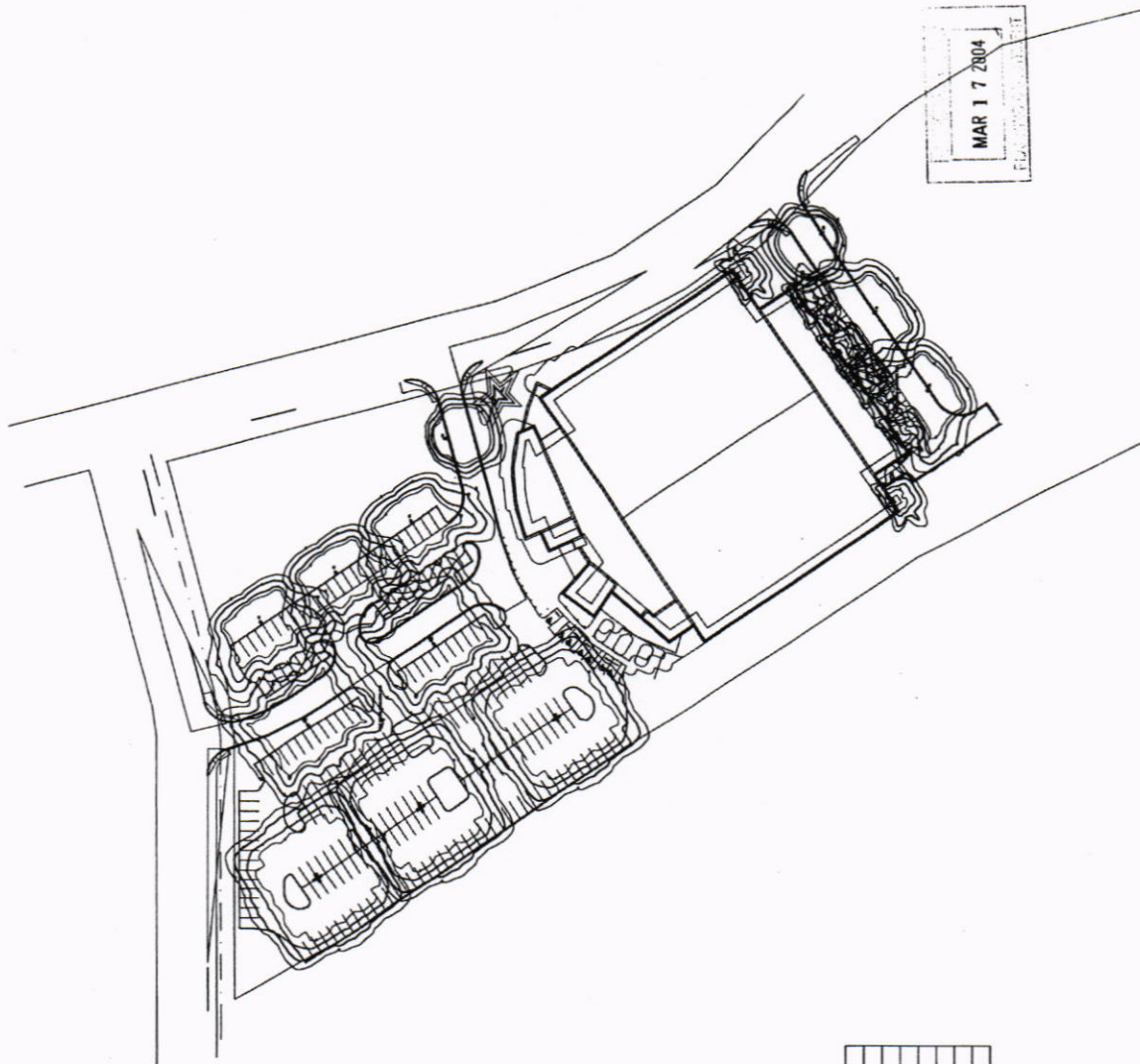


Exhibit "C" (continued)



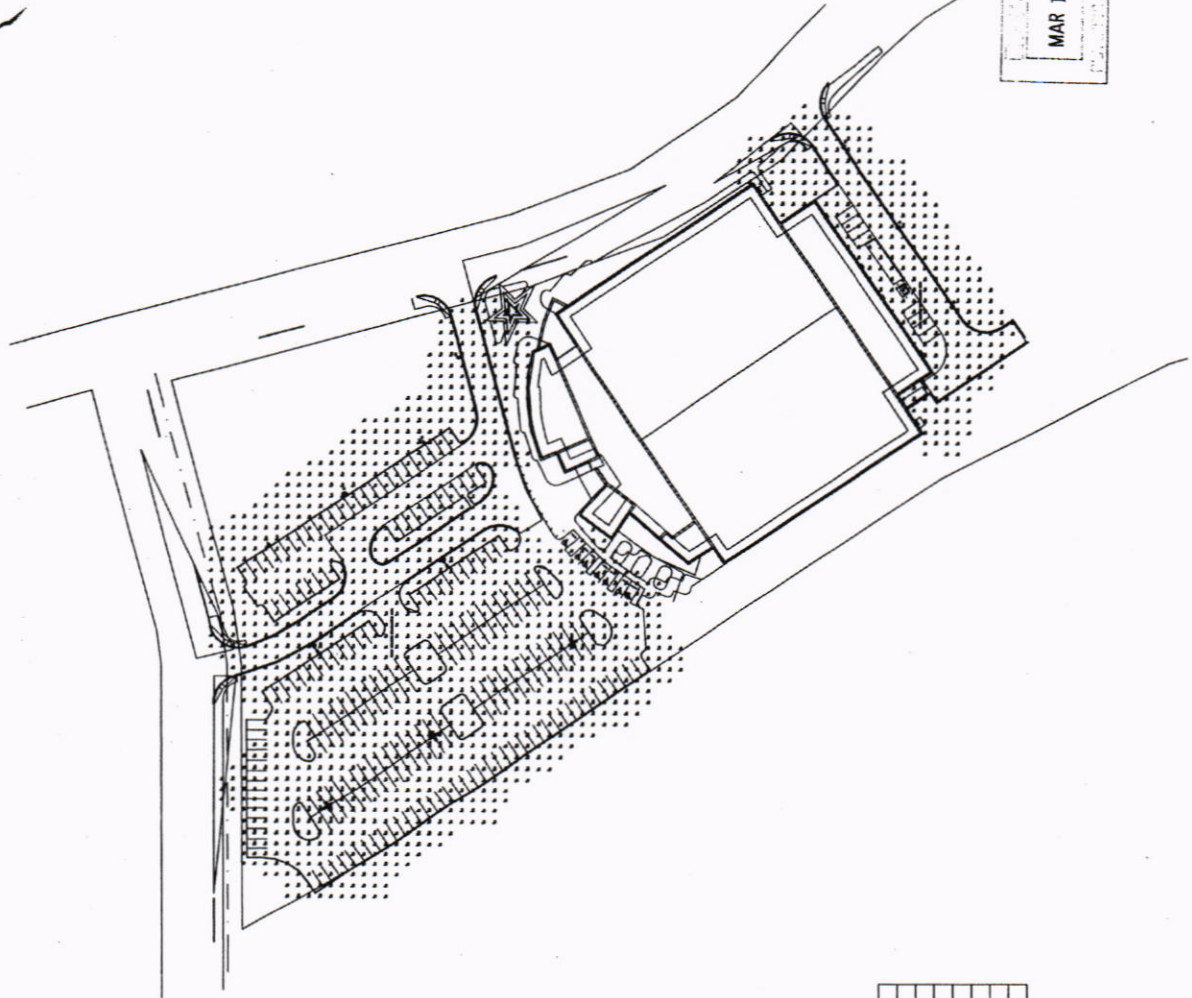
20.5 Pole Calculation Drawing

[illegible]

Project #	Project Name	Project Type	Project Status	Project Manager	Project Sponsor	Project Budget	Project Start Date	Project End Date
1	Project A	Software Development	In Progress	John Doe	Jane Smith	\$100,000	2023-01-01	2023-06-30
2	Project B	Hardware Upgrade	Completed	John Doe	Jane Smith	\$50,000	2022-10-01	2022-12-31
3	Project C	Cloud Migration	On Hold	John Doe	Jane Smith	\$200,000	2023-07-01	2023-12-31
4	Project D	Security Audit	Planned	John Doe	Jane Smith	\$75,000	2024-01-01	2024-03-31
5	Project E	Marketing Campaign	In Progress	John Doe	Jane Smith	\$30,000	2023-03-01	2023-09-30

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03-16-04



20.5' Pole Calculation Drawing

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